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February 25, 2008

**VIA ELECTRONIC CASE FILING**

Honorable Viktor V. Pohorelsky  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201-1818

Re: *In re Air Cargo Shipping Services Antitrust Litigation*, No. 06-MDL 1775

Dear Magistrate Judge Pohorelsky:

Attached for filing are a revised Notice (attached as Exhibit A), Claim Form (attached as Exhibit B), Proposed Report and Recommendation (attached as Exhibit C), and Proposed Order granting preliminary approval of the proposed settlement with defendants Deutsche Lufthansa AG, Lufthansa Cargo AG, and Swiss International Air Lines, Ltd. (collectively "Lufthansa") and setting a schedule for the mailing and publication of notice of the settlement (attached as Exhibit D).

The revised Notice incorporates the modifications recommended by the Court at the October 30, 2007 hearing. The Notice and Claim Form also include the formulas for allocating the settlement fund amongst the direct, indirect, and foreign purchasers, as recommended by the court-appointed Special Master. The proposed Report and Recommendation adopts the prior recommendation made by Your Honor on October 16, 2007 that Judge Gleeson conditionally certify the settlement class and preliminarily approve the settlement subject to resolution of remaining issues regarding notice, and recommends that the revised Notice Plan and Claim Form incorporating the allocation plan recommended by the Special Master be approved. Finally, the revised Proposed Order includes the language agreed to by the parties and set forth in the plaintiffs' August 13, 2007 letter and approved by the Court at the October 30, 2007 hearing.

Honorable Viktor V. Pohorelsky  
February 25, 2008  
Page 2



Because the Court has already found the proposed settlement with Lufthansa to be fair and reasonable, *see* Dkt. 625, and Plaintiffs have incorporated the Court's recommended modifications into the Notice, plaintiffs respectfully request that Your Honor make a proposed report and recommendation, substantially in the form attached hereto as Exhibit C, recommending that Judge Gleeson formally grant Plaintiffs' Motion for Preliminary Approval of the Settlement with the Lufthansa Defendants and enter the Proposed Order attached hereto as Exhibit D at the March 11, 2008 conference. Plaintiffs' have conferred with Lufthansa regarding the foregoing, and they have indicated their consent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. E. Tompkins', is written over a horizontal line.

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Counsel, and Co-Lead Counsel Principally  
Responsible for the Foreign Claims*

cc: All Counsel via ECF  
The Honorable Judge Gleeson